

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)	NO. CR 2015-00040
to Conduct Gambling Activities of:)	
)	
Richard Wines)	FINDINGS, CONCLUSIONS,
Burien, Washington,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
)	
Licensee.)	

THE MATTER of the revocation of the license to conduct gambling activities of Richard Wines, having come before the Commission on May 7, 2015, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Richard Wines license number 68-32679, authorizing Card Room Employee activity formerly at Wizards Casino, Burien.

The Commission issued this license, which expires on December 29, 2015, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On March 4, 2015, Director David Trujillo issued administrative charges to Richard Wines, by regular and certified mail. The administrative charges notified Mr. Wines that failure to respond would result in the entry of a default order revoking his license. Mr. Wines did not respond to the charges and therefore, waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

The licensee, Richard Wines, a Security Officer, took a guitar from behind the security podium on January 4, 2015. A customer had left the guitar there on January 1, 2015, intending on retrieving the guitar later. The conduct was recorded on surveillance video.

FACTS:

1) On January 8, 2015, a Gambling Commission Special Agent (agent) received an email from Wizards Casino Surveillance Manager Brian Armstrong with information that Security Officer Richard Wines took a customer's guitar.

- On January 1, 2015, a customer came in and left the guitar behind the security desk while Security Officer Darrel Failauga was working.
- On January 5, 2015, the customer who owned the guitar came in to claim his guitar, and Richard Wines went to the security closet and told the customer there was no guitar there. The next day the same customer returned, and again Mr. Wines said there was no guitar in the security closet.
- On January 5, 2015, Shift Manager Chheng Oung, observed the customer asking Mr. Wines about the guitar. Ms. Oung asked Mr. Wines what the conversation was about, and Mr. Wines replied, the customer is missing his guitar and asked if we found it. When Ms. Oung asked Mr. Wines if he had ever seen the guitar, Mr. Wines said no.
- On January 7, 2015, Security Officer Darrel Failauga told Ms. Oung that he saw Mr. Wines carrying the guitar on the night of January 4, 2015, and he asked Mr. Wines if the guitar was his. Mr. Wines told him yes, and left the cardroom with the guitar.
- Security Manager Mike Jean had reported the guitar missing. Mr. Armstrong reviewed the surveillance video and saw that Mr. Wines took the guitar when he got off work on January 4, 2015.

2) On January 9, 2015, the agent interviewed Mr. Wines in the Shift Manager's Office at Wizard's Casino with Security Manager Mike Jean. The agent asked Mr. Wines about the incident involving the missing guitar.

- Mr. Wines said that he thought the guitar was abandoned.
- Mr. Wines said that he asked around and no one knew who the guitar belonged to. He said that he asked Mr. Failauga if he could take the guitar home and Mr. Failauga said he could, so he took it and that it was in his closet at home, and he could go home and get it right now.
- The agent asked Mr. Wines, what would Mr. Failauga say, if asked, if he had told Mr. Wines, he could take the guitar home. Mr. Wines changed his story, and said that no one else was responsible. He said it was all his idea.

3) On January 9, 2015, the agent asked Mr. Wines to write a statement. In his statement, Mr. Wines said that he saw the guitar, and asked a couple of security members about the guitar and determined it had been left there about a week before. He asked if he could get in the security closet with the intention of grabbing the guitar. He took the guitar and gestured toward Mr. Failauga, then proceeded to walk out of the cardroom and take it home. He did not ask Mr. Failauga if he could take the guitar. He said he did not know who the guitar belonged to and thought it was abandoned, and that he always wanted a guitar.

4) On January 8, 2015, Security officer Darrel Failauga wrote a statement that he observed Mr. Wines remove a guitar and later left the premises with it. This was the guitar that was being kept

in the security closet for safekeeping until its owner claimed it. Mr. Failauga said he asked Mr. Wines if the guitar was his, and Mr. Wines said yes.

5) On January 9, 2015, Shift Manager Chheng Oung wrote a statement, that she had overheard a conversation from a customer asking Mr. Wines about his missing guitar, and that Mr. Wines denied it had been found. When she asked Mr. Wines about the conversation with the customer, Mr. Wines told her that this customer had come in looking for his guitar and then came back the next day asking the same question. A few days later on January 7, 2015, Ms. Oung said a Security Officer told her that the same customer came in and asked about his guitar again and said if he does not get it back by the following Monday there will be a lawsuit. Later that night she overheard Mr. Failauga and Ryan (Security Officer) talking about a guitar. When she asked Mr. Failauga what happened, Mr. Failauga said the guitar was on the security podium and he did not know who it belonged to, so he put it in the security closet and informed David (Shift Manager). He said two days later on January 4, he saw Mr. Wines carrying the guitar, so he asked him if the guitar was his and Mr. Wines said yes, and took it home.

6) The agent explained to Mr. Wines that taking the guitar home was theft and that administrative charges for revocation would be written. Mr. Wines was advised to return the guitar so it could be returned to its rightful owner. Criminal charges are not being pursued because the victim received his property back and was not willing to provide a statement. The licensee, Richard W. Wines, was terminated from his position at Wizards.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause

to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, certified employee, or anyone holding a substantial interest in the applicant's or certified employee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities.

3) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

By taking a guitar that belonged to a customer and repeatedly misrepresenting to the customer and staff about knowledge of the missing guitar, Richard W. Wines has demonstrated that he poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Wines has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Richard W. Wines' license based on RCW 9.46.075(1), (7), (8), and (10), and WAC 230-03-085(1), (3), and (8).

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Richard Wines' license to conduct gambling activities under the authority of the RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Richard Wines' license to conduct gambling activities is REVOKED.

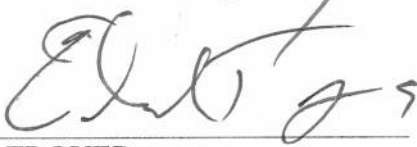
DATED this 7 day of May, 2015.


CHRISTOPHER STEARNS, CHAIR



BUD SIZEMORE, VICE-CHAIR


KELSEY GRAY, Ph.D.


JULIA PATTERSON


ED TROYER

PRESENTED BY:


Arlene Dennistoun, WSBA# 28760
Staff Attorney
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final

Order must be filed with the court and served upon both the Commission and the Office of the Attorney General within thirty-days (30) after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Gregory J. Rosen
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

STATE OF WASHINGTON)
)SS
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 11 day of May, 2015

Maureen Prehall

Communications and Legal Department
Washington State Gambling Commission